

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Farmington District
Farmington Field Office
6251 N College Blvd., Ste. A
Farmington, NM 87402

DECISION RECORD
for the
Chaco 2308 #3 Pipeline Amendment
NEPA No. DOI-BLM-NM-F010-2016-0037-DNA

I. Decision

I have decided to select the proposed action for implementation as described in the May 2016 Chaco 2308 #3 Pipeline Amendment (DOI-BLM-NM-F010-2016-0037-DNA). Based on my review of the Documentation of NEPA Adequacy (DNA) and project record, I have concluded that the proposed project was analyzed in sufficient detail in the Chaco 23-08 Nos. 1H, 2H Oil & Natural Gas Wells Environmental Assessment (EA)(DOI-BLM-NM-F010-2015-0138-EA) to allow me to make an informed decision. I have selected this alternative because the proposed action will provide Williams Four Corners, LLC to transport natural gas from Energen's Chaco 23-08 3-1H well pad to the Lateral H-30 pipeline.

II. Rationale for the Decision

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, Determination of NEPA adequacy tiers to and incorporates by reference the information and analysis contained in Chaco 23-08 Nos. 1H, 2H Oil & Natural Gas Wells Environmental Assessment (EA)(DOI-BLM-NM-F010-2015-0138-EA). The EA is in conformance with the management goals set forth in the Resource Management Plan (RMP) for the Farmington Field Office (FFO) of the BLM, which was approved by the Record of Decision (ROD) signed September 29, 2003 (BLM 2003b). The PRMP/FEIS, RMP, and ROD are available for review at the BLM Farmington Field Office, 6251 College Blvd., Farmington, NM, or electronically at:

http://www.blm.gov/nm/st/en/fo/Farmington_Field_Office/ffo_planning/farmington_rmp.html

Specifically, the proposed project supports the following BLM policy:

It is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet national, regional, and local needs, consistent with national objectives of an adequate supply of minerals at reasonable market prices. At the same time, the BLM strives to ensure that mineral development is carried out in a manner that minimizes environmental damage and provides for the rehabilitation of affected lands. (BLM 2003b, 2-2 – 2-3)

Regulations under 43 CFR 1610.5 requires the proposed action to be in conformance with the terms and the conditions of the RMP as approved by the ROD signed September 29, 2003 (BLM 2003b) and updated in December 2003.

I have determined that the activities described in the proposed action will not adversely affect or cause loss or destruction of scientific, cultural, or historical resources, including those listed in or

eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8)). Cultural resource surveys were completed (BLM report Number 2015 (II) 008 F). Cultural resources were identified within the project area. The identified sites will be avoided in all cases and monitoring and installing site protection fencing will be required during construction, drilling and reclamation.

The proposed activities are not likely to adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)). The project area is not within any Threaten and Endangered habitat. The project is located within the Brack's Cactus and Aztec Gilia habitat. The proposed project will impact four cacti and 0.46 acres of habitat and will not require mitigation in accordance with the Aztec Gilia/Brack's Cactus Interim Guidance.

III. Public Involvement

For Chaco 23-08-3 Nos. 1H, 2H Oil & Natural Gas Well EA (DO-BLM-NM-F010-2015-0138-EA), the Notice of Staking was made available for the public to review at the Farmington Field Office. The project was posted on the Farmington Field Office NEPA log www.blm.gov/nm/st/en/fo/Farmington_Field_Office/ffo_document_library/apd_ea_2015.html from August 11, 2015 to September 11, 2015.

The proposed Chaco 23-08 3 Wells Project received one comment on September 11, 2015 via e-mail and a hard copy was received on September 15, 2015.

The comment was authored by the Western Environmental Law Center (WELC), and named as co-commenters with the San Juan Citizens Alliance (SJCA), Dine Citizens Against Ruining Our Environment (Dine CARE), WildEarth Guardians, and the Natural Resources Defense Council (RDC).

The comment expressed concern that the continued development of the Mancos Shale/Gallup Formation and ongoing BLM Farmington Field Office approval of horizontal and multi-stage fracking will have the following impacts:

1. The drilling and fracking threatens the region's air, water, fish, and wildlife, and fails to reduce greenhouse gases or combat climate change;
2. The commenters claim the Farmington BLM Resource Management Plan (RMP) is outdated and does not adequately address the impacts of the Mancos shale development. They state no oil and gas leasing should take place until the RMP is amended and an EIS completed. The commenters claim that NEPA requires further study on the impacts of developing the Mancos Shale deposits.

The BLM response to the comment is as follows:

The BLM is entitled to continue relying on analysis in the 2003 RMP for the Farmington Field Office. The APDs that the Western Environmental Law Center has asked the BLM to reject or deter are supported by NEPA analysis under the 2003 RMP and by the EAs prepared for each APD. These EAs have concluded that there is no significant impact to the environment resulting from approval of the APDs.

No comments were received directly concerning the pipeline.

IV. Administrative Review and Appeal

Under BLM regulations, this Decision Record (DR) is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this DR, with or without oral presentation, must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the

State Director, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, NM 87508, no later than 20 business days after this DR is received or considered to have been received.

Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR 3165.4.

This decision to authorize a right-of-way may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Richard A. Fields, Field Manager, Bureau of Land Management, Farmington Field Office, 6251 College Boulevard, Suite A, Farmington, NM 87402. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Farmington Field Office Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor: United States Dept. of the Interior, Office of the Solicitor, Southwest Regional Office, 505 Marquette Avenue NW, Suite 1800, Albuquerque, NM 87102.

VI. Signature



Richard A. Fields
Field Manager
Farmington Field Office

5-16-16
Date

**UNITED STATES DEPARTMENT OF THE INTERIOR
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Determination of NEPA Adequacy (DNA) Worksheet

**Chaco 2308 #3 Pipeline Amendment
NEPA No. DOI-BLM-NM-FO10-2016-0037-DNA**

BLM Office: Farmington Field Office. **Lease/Serial/Case File No.:** NMNM 133412

Proposed Action Title/Type: Chaco 2308 #3 Pipeline Amendment

Location of Proposed Action: New Mexico Prime Meridian, San Juan County; T. 23 N., R. 8 W., Sec. 3, NWNE

Applicant (if any): Williams Four Corners, LLC

A. Description of the Proposed Action

Williams Four Corners, LLC has requested to amend their approved right-of-way grant for a 4 1/2 -inch pipeline. Due to SJB Gathering's construction of the Sarah B pipeline, Williams Four Corners will not be able to construct their pipeline within the approved location. Williams has proposed to re-route the pipeline to the east side of the road so that they could avoid a cultural site that is located adjacent to the Sarah B pipeline.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: Farmington Resource Management Plan **Date Approved/Amended:** September 2003

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): "Provide for Opportunities for environmentally responsible commercial activities, including the orderly development of important energy resources." (2-1)

C. Applicable National Environmental Policy Act (NEPA) Document(s) and Other Related Documents

Chaco 23-08-3 Nos. 1H, 2H (DOI-BLM-NM-F010-2015-0138-EA) describes the affected environment, the environmental consequences, and the cumulative impacts.

Biological Survey Report Williams Four Corners, LLC Proposed Chaco 2308 3 Pipeline Reroute describes the potential for United States Fish and Wildlife Service (USFWS) threatened, endangered, and candidate species, as well as the BLM designated sensitive flora and fauna to occur in the project and action areas.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. DOI-BLM-NM-FO10-2016-0138-EA provides analysis that is essentially the same as that of the proposed amendment. Assessment of all proposed impacts for the proposed action would remain the same. Appropriate BLM specialists have concurred that the change in location would not alter the analysis presented in the original EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. There would be no change in the range of alternatives that were analyzed in the DOI-BLM-NM-FO10-2016-0138-EA that would further minimize surface impacts. There were three alternatives analyzed in the EA. There are no new environmental concerns that would warrant the existing analysis invalid. The re-route location is within 100 feet of the originally proposed location.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The EA adequately analyzes impacts to all resources. In addition, a recent biological report was submitted and reviewed by BLM specialists in April 2016 to address the status of the Brack's Cactus in the project area that have potential to be impacted. A new biological survey was completed for the re-route and only four Brack's cacti were found that would be impacted which is less than the amount that could have been impacted by the earlier alternatives. In accordance with current BLM guidance, impacts to less than 30 cacti will not require further mitigation, i.e. transplanting.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The direct, indirect, and cumulative impacts for the proposed amendment are substantially unchanged from the approved DOI-BLM-NM-FO10-2016-0138-EA. The existing EA sufficiently analyzed the impacts to resources within the proposed action area. The re-route length is within 100 feet of the original analysis.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The public availability for the approved DOI-BLM-NM-FO10-2016-0138-EA is adequate for the proposed action. The EA was posted to the BLM website and also in the Farmington Field Office public room; one comment was received on September 11, 2015 via e-mail and a hard copy was received on September 15, 2015.

The comment was authored by the Western Environmental Law Center (WELC), and named as co-commenters with the San Juan Citizens Alliance (SJCA), Dine Citizens Against Ruining Our Environment (Dine CARE), WildEarth Guardians, and the Natural Resources Defense Council (RDC).

The comment expressed concern that the continued development of the Mancos Shale/Gallup Formation and ongoing BLM Farmington Field Office approval of horizontal and multi-stage fracking will have the following impacts:

1. The drilling and fracking threatens the region's air, water, fish, and wildlife, and fails to reduce greenhouse gases or combat climate change;
2. The commenters claim the Farmington BLM Resource Management Plan (RMP) is outdated and does not adequately address the impacts of the Mancos shale development. They state no oil and gas leasing should take place until the RMP is amended and an EIS completed. The commenters claim that NEPA requires further study on the impacts of developing the Mancos Shale deposits.

The BLM response to the comment is as follows:

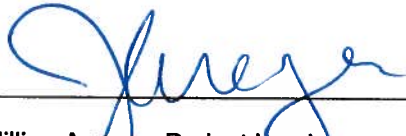
The BLM is entitled to continue relying on analysis in the 2003 RMP for the Farmington Field Office. The APDs that the Western Environmental Law Center has asked the BLM to reject or deter are supported by NEPA analysis under the 2003 RMP and by the EAs prepared for each APD. These EAs have concluded that there is no significant impact to the environment resulting from approval of the APDs.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource/Agency Represented
John Kendall	Biologist	BLM
Neil Perry	Biologist	BLM
James Copeland	Archaeologist	BLM
Jeff Tafoya	Supervisor Multiple Resources	BLM
Maureen Joe	Assistant Field Manager	BLM

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the Farmington Resource Management Plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.


 Jillian Aragon, Project Lead

5/16/16
 Date


 Marcella Martinez, Planning & Environmental Specialist

05/16/16
 Date


 Richard A. Fields, Field Manager

5-16-16
 Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.